



## **COMPLAINTS AGAINST EMPLOYEES PROCEDURE**

### **RATIONALE:**

The following procedure shall be used in addressing complaints against employees and matters of employee discipline and competence to ensure that such matters can be in the interest of all parties and be fully and fairly addressed. Many complaints will be able to be resolved by discussion between the Principal and employee concerned without a need to take the matter further.

### **PROCEDURES:**

1. The employee must be **advised in writing** of any complaints against them, which must be directed to the Principal in the first instance then if not resolved to the Board of Trustees as soon as possible.
2. The procedure outlined in the appropriate collective employment contract will be followed.
3. The process and any disciplinary action are to be recorded, sighted and signed by the employee and relevant information placed on their personal file.
4. The BOT will seek advice.

### **DISCIPLINE:**

1. The employee must be advised of the right to request representation at any stage.
2. The employee must be advised in writing of the specific matter/s causing concern and be given a reasonable opportunity to provide an explanation. Before making a final decision the Board may need to make further enquiries in order to be satisfied as to the facts of the specific matter/s causing concern.

### **SUSPENSION:**

1. If the alleged conduct is deemed sufficiently serious an employee may be either suspended with or without pay or transferred temporarily to other duties.
2. The Board shall not, unless there are exceptional circumstances, suspend the employee without first allowing the employee a reasonable opportunity to make submissions to the Board about the alleged misconduct and the appropriateness of the suspension in all of the circumstances. The Board shall take into account any submission made by the employee before determining the matter of suspension.

3. The Board shall work to ensure that the period of suspension is kept to the minimum possible time consistent with ensuring that the allegations of misconduct are properly investigated and that the employee is treated fairly at all times.
4. If the allegation that led to suspension is without substance the employee shall be reinstated effective from the date of suspension.

**INSTANT DISMISSAL:**

Nothing in the sections above prevents instant dismissal without notice in the case of serious misconduct.

**COMPETENCY:**

Where there are matters of competency which are causing concern in respect of any employee, the Principal shall put in place appropriate assistance and personal guidance to assist that employee. Refer to: **Appropriate steps as per of the NZEI/MOE/STA collective agreement on competency.**

When this assistance and guidance has not remedied the situation, the following provisions should govern the action to be taken.

1. The employee must be advised in writing of the specific matter/s causing concern, the corrective action required and the time-frame allowed. This time-frame should be relevant to the matters causing concern.
2. The process and the results of any evaluation are to be recorded in writing, sighted and signed by the employee.
3. A copy of any report made by the Principal to the Board or to the Teaching Council of Aotearoa New Zealand shall be given to the employee.
4. No action shall be taken on a report until the employee has had a reasonable time to comment in writing or verbally or both.
5. **If the above steps (1-4) fail to resolve the matter of concern, the Board may dismiss the employee without the need to follow the provisions of the discipline section above.**

**Review Responsibility:** *Board Chairperson, Deputy Chair, Principal, DP & Staff Rep.*

**Date Confirmed:** 5 May 2020

**Principal:** *Karla Mitchell*